

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

| | | |
|--------------------------|---|--------------------------------|
| ANTONIO CLIFFORD HARRIS, | : | |
| | : | Civil Action No. 09-4368 (SDW) |
| Plaintiff, | : | |
| | : | |
| v. | : | MEMORANDUM ORDER |
| | : | |
| ANN R. RUBIN, | : | |
| | : | |
| Defendant. | : | |

THIS MATTER comes before the Court by application of Plaintiff, Antonio Clifford Harris, filed in support of his case, which was dismissed by this Court on March 30, 2012. It appearing that:

1. On August 24, 2009, Plaintiff filed a Complaint against Defendant Prosecutor Ann R. Rubin. (ECF No. 1.) On April 1, 2010, this Court dismissed some of the claims with prejudice because they were barred by prosecutorial immunity and were untimely. Plaintiff's remaining claims were dismissed without prejudice. (ECF No. 2.)

2. On December 15, 2011, Plaintiff filed a new application in this matter seeking his release from confinement. (ECF No. 5.) The case was re-opened and this Court construed the application as a motion for reconsideration. (ECF No. 6.) The Court denied the request for reconsideration, finding that Plaintiff was seeking his release from confinement, and that such action is not cognizable in a civil rights complaint. Plaintiff was given leave to file a separate habeas petition in the event he chose to seek habeas relief. (*Id.*)

3. On January 31, 2012, Plaintiff filed a habeas petition (ECF No. 7), which was dismissed on March 30, 2012. (ECF No. 8.) Thereafter, on April 10, 2012, Plaintiff filed the

instant application in support of his case. (ECF No. 9.) Plaintiff does not designate his application as a motion to re-open or for reconsideration of this Court's prior Orders. In fact, the submission by Plaintiff is mostly incoherent and attaches seemingly unrelated documents and letters.

4. The Court construes Plaintiff's application as a motion for reconsideration, and directs the Clerk of the Court to re-open the case for deliberation.

5. Because Plaintiff's submission (ECF No. 9) provides no basis for reconsideration of this Court's prior Order of Dismissal, Plaintiff's request is denied with prejudice. Plaintiff shall not be permitted leave to file any new pleading or other application in this case, in light of this Court's three earlier Orders as discussed above. The case will be re-closed accordingly

THEREFORE, BASED ON THE FOREGOING,

IT IS ON THIS 20th day of May, 2014

ORDERED that the Clerk of the Court SHALL RE-OPEN this case for consideration of Plaintiff's motion/application for reconsideration (ECF No. 9); and it is further

ORDERED that Plaintiff's motion for reconsideration (ECF No. 9) is hereby DENIED WITH PREJUDICE to Plaintiff filing any new pleading or other application in this action; and it finally

ORDERED that the Clerk of the Court SHALL RE-CLOSE this matter accordingly.

s/ Susan D. Wigenton
SUSAN D. WIGENTON
United States District Judge